

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
TENNESSEE

JOHN MCCARTHY, STAN COOPER, JOE )  
SLIGER, MIKE BELL, DON RACKLEY, TERRY )  
MOTLEY, BILLY BORCHERT, JIM FOSTER, )  
RYAN HARGIS, LEONARD CLARK, PATRICIA )  
MOORE, PAUL SANFORD, JOE MOORE, CYNTHIA )  
WITHERSPOON, MILDRED FERRELL STRICKLIN, )  
JENNIFER L. POTTS, DANNY CROWDER, GENA )  
CROWDER, TERRI LOFTIS, MARIE MANNING, )  
BOYD MANNING, GRACE HURST, HILDA L. )  
LONG, ANTHONY LONG, DEWEY LAWSON, )  
ARLENE LAWSON, LARRY LOWE, PATRICIA )  
LOWE, RONALD CHURCH and SHARLENE )  
CHURCH, on behalf of themselves and all others )  
similarly situated, )

Plaintiffs, )

vs. )

MIDDLE TENNESSEE ELECTRIC MEMBERSHIP )  
CORPORATION, APPALACHIAN ELECTRIC )  
COOPERATIVE, CANEY FORK ELECTRIC )  
COOPERATIVE, INC., CHICKASAW ELECTRIC )  
COOPERATIVE, CUMBERLAND ELECTRIC )  
MEMBERSHIP CORPORATION, DUCK RIVER )  
ELECTRIC MEMBERSHIP CORPORATION, )  
FORKED DEER ELECTRIC COOPERATIVE, FORT )  
LOUDOUN ELECTRIC COOPERATIVE, GIBSON )  
ELECTRIC MEMBERSHIP CORPORATION, )  
HOLSTON ELECTRIC COOPERATIVE, INC., )  
MERIWETHER LEWIS ELECTRIC COOPERATIVE, )  
MOUNTAIN ELECTRIC COOPERATIVE, INC., )  
PICKWICK ELECTRIC COOPERATIVE, PLATEAU )  
ELECTRIC COOPERATIVE, POWELL VALLEY )  
ELECTRIC COOPERATIVE, SEQUACHEE VALLEY )  
ELECTRIC COOPERATIVE, SOUTHWEST )  
TENNESSEE ELECTRIC MEMBERSHIP )  
CORPORATION, TENNESSEE VALLEY ELECTRIC )  
COOPERATIVE, TRI-COUNTY ELECTRIC )  
MEMBERSHIP CORPORATION, TRI-STATE )  
ELECTRIC MEMBERSHIP CORPORATION, UPPER )  
CUMBERLAND ELECTRIC MEMBERSHIP )  
CORPORATION, VOLUNTEER ENERGY )  
COOPERATIVE, AND TENNESSEE VALLEY )  
AUTHORITY, )

Defendants. )

Civil Action No. 3040312

**JUDGE HAYNES**  
**MAGISTRATE JUDGE GRIFFIN**

**NOTICE OF APPEAL BY NAMED PLAINTIFFS**  
**AND CLASS REPRESENTATIVES**

Notice is hereby given on this 11<sup>th</sup> day of August 2005, that counsel for the named Plaintiffs acting on their own behalf and as class representatives, in the above-captioned case, hereby appeal to the United States Court of Appeals for the Sixth Circuit from the District Court's dismissal of Plaintiffs' claims pursuant to its December 2, 2004 Order and Memorandum (Docket Nos. 49 & 50), and the final judgment entered by this Court on July 29, 2005 denying Plaintiffs' Motion to Alter or Amend (Docket No. 59).

Respectfully submitted,

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/s/Gerald E. Martin

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Notice of Appeal has been served on the below-listed Filing Users through the Electronic Filing System this the 11th day of August, 2005:

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